

07/20/04

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

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TPR #

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/811,095	03/26/2004	Herman Lee	112056-0152U

24267  
CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210



CONFIRMATION NO. 9717  
FORMALITIES LETTER



\*OC000000012919487\*

Date Mailed: 06/10/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

07/21/2004 MAHMED1 00000095 10811095

01 FC:1051

130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

*Murphy*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENTS  
112056-0152U  
P01-1717.02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:  
Herman Lee et al.

)  
)  
)

Serial No.: 10/811,095

)  
)  
)

Examiner: Not yet assigned

Filed: March 26, 2004

)  
)  
)

Art Unit: 2186

For: SYSTEM AND METHOD FOR  
PROXYING DATA ACCESS  
COMMANDS IN A CLUSTERED  
STORAGE SYSTEM

)  
)  
)  
)

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
July 19, 2004

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EV 335591235 US

The following papers are being deposited with the United States Postal Service  
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

Power of Attorney  
 Fee Transmittal Letter

Oath or Declaration  
 Assignment With Recordation Form  
Cover Sheet

Check No. 28889 for \$130  
 Check No. 28890 for \$40

Response to Notice to File Missing  
Parts  
 Return Receipt Postcard



JUL 19 2004

Patent and Trademark Office/SB/17 (10-03)  
Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant Claims Small Entity Status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** **170**

## Complete if Known

Application Number	10/811,095
Filing Date	March 26, 2004
First Named Inventor	Herman Lee et al.
Examiner Name	Not yet assigned
Group Art Unit	2186
Attorney Docket No.	112056-0152U

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money  Other  None  
 Deposit Account Order

Deposit Account **03-1237**  
Number  
Deposit Account **Cesari and McKenna, LLP**  
Name

The Commissioner is authorized to: (check all that apply)  
Charge any deficiency or  
 Charge fee indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>		<b>0</b>			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims below	Fee from	Fee Paid
Total Claims	<input type="text"/> - 20**	= <input type="text"/> 0 x <input type="text"/> = <input type="text"/> 0
Independent Claims	<input type="text"/> - 3**	= <input type="text"/> 0 x <input type="text"/> = <input type="text"/> 0
Multiple Dependent		= <input type="text"/> 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202	18	2202 9 Claims in excess of 20
1201	84	2201 42 Independent claims in excess of 3
1203	280	2203 140 Multiple dependent claim, if not paid
1204	84	2204 42 **Reissue independent claims over original patent
1205	18	2205 9 **Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		<b>0</b>

\*\*or number previously paid, if greater; For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

#### Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	130
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English Specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	410	2252 205 Extension for reply within second month	
1253	930	2253 465 Extension for reply within third month	
1254	1,450	2254 725 Extension for reply within fourth month	
1255	1,970	2255 985 Extension for reply within fifth month	
1401	320	2401 160 Notice of Appeal	
1402	320	2402 160 Filing a brief in support of an appeal	
1403	280	2403 140 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,300	2453 650 Petition to revive - unintentional	
1501	1,300	2501 650 Utility Issue fee (or reissue)	
1502	470	2502 235 Design Issue fee	
1503	630	2503 315 Plant Issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	40
1809	750	2809 375 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801 375 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
Other fee (specify)			
		<b>SUBTOTAL (3) (\$)</b>	<b>170</b>

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Duane H. Dwyer	Registration No. (Attorney/Agent)	48,836	Telephone	(617) 951-2500
Signature				Date	July 19, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS



PATENTS  
112056-0152U  
P01-1717.02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of: )  
Herman Lee et al. )  
Serial No.: 10/811,095 )  
Filed: March 26, 2004 )  
For: SYSTEM AND METHOD FOR )  
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Examiner: Not yet assigned  
Art Unit: 2186  
Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
July 19, 2004

“Express Mail” Mailing-Label Number: EV 335591235 US

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

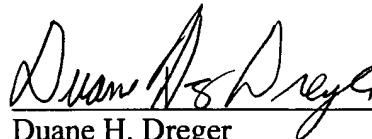
Enclosed in response to the Notice to File Missing Parts of Application-Filing Date Granted mailed June 10, 2004, is a Declaration for Patent Application and an Assignment, both executed by the inventors, along with a check for \$40 to cover the filing fee and another check for \$130 to cover the surcharge for this Response. The above-

PATENTS  
112056-0152U  
P01-1717.02

referenced application filed in the Patent and Trademark Office is the application that the inventors executed by signing the enclosed Declaration.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

  
Duane H. Dreger  
Duane H. Dreger  
Reg. No. 48,836  
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